

# Advocating for Educational Change



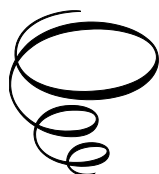
# Advocating for Educational Change:

*Reimagining Student Discipline  
Through Restorative Practices*

By

Jessica Moreno and Lawrence Scott

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Advocating for Educational Change: Reimagining Student Discipline  
Through Restorative Practices

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# CHAPTER 1

## INTRODUCTION

In the United States, schools often rely on punitive measures, such as exclusion or ostracism, to manage student behavior (Cummings, 2018). However, the use of these punitive, exclusionary discipline practices has been found to exacerbate negative behaviors, while non-punitive approaches such as restorative practices correlate to lower suspension rates (Lustick, 2017; Mirsky, 2011). When students are subjected to exclusionary discipline, they face disrupted instructional time, which contributes to academic failure and exacerbates the achievement gap (Cummings, 2018; Fisher et al., 2016). Beyond academics, exclusionary practices also hinder social and emotional learning, a critical factor in students' ability to meet behavioral expectations and succeed in school (Cummings, 2018; Fisher et al., 2016). Suspensions, in particular, have been identified as a major driver of increased dropout rates (Fisher et al., 2016; Koppelman, 2017).

These exclusionary disciplinary tactics are disproportionately applied to students of color and students with disabilities. (Fisher et al., 2016; Lustick, 2017) Studies show that students of color are more likely to be suspended for behaviors requiring subjective judgment, whereas their white peers are often suspended for offenses pertaining to the code of conduct (Koppelman, 2017; Lindsay & Hart, 2017; Shabazian, 2014; Simmons-Reed & Cartledge, 2014; Terrell & Lindsay, 2009). This disparity has raised significant concerns about the school-to-prison pipeline, as exclusionary discipline practices notably contribute to the overrepresentation of people of color in the criminal justice system (Lindsay & Hart, 2017; Robbins, 2005). These findings highlight the need for schools to rethink their disciplinary approaches to reduce the risks of academic failure and subsequent involvement in the criminal justice system (Cummings, 2018; Fisher et al., 2016).

One promising alternative to exclusionary discipline is the use of Restorative Practices. This study proposes exploring Restorative Practices as a way to shift the focus toward fostering relationships and building a sense of community among students (Cummings, 2018; Fisher et al., 2016;

Mirsky, 2011). Strong relationships are essential for addressing inequities, cultivating a positive school culture, and strengthening connections between students and staff (Cummings, 2018; Fisher et al., 2016; Mirsky, 2011; Scott, 2021). Incorporating strategies that prioritize positive teacher-student relationships is key to effective pedagogy (Whalen, 2019). Restorative Practices encompass a range of relational and behavioral interventions designed to promote equity, ensure all members of the school community feel valued, and give everyone a voice in the decision-making process (Cummings, 2018; Fisher et al., 2016; Mirsky, 2011). According to Lustick (2021a), campus leadership, especially the principal, will be critical in communicating the buy-in for the less punitive, more restorative approach to discipline which directly addresses the discipline disproportionality on the basis of race. The hope is to go beyond mitigating the discipline disproportionality issue, but providing a campus culture and climate of equity, collegiality and collaboration through relationship building, and academic excellence (Lustick, 2021b.).

## **Statement of the Problem**

Research on Restorative Practices, specifically their impact on fostering community within classrooms and influencing student behavior, is still in its early stages (Gregory et al., 2016). Currently, there is a significant gap in the literature regarding how Restorative Practice interventions affect student behavior, particularly among those removed from traditional campuses and placed in disciplinary alternative secondary campuses (Crawley & Hirschfield, 2018; Shabazian, 2014; Vah Seliskar, 2018).

Previous studies have demonstrated that exclusionary discipline practices contribute to the widening of the achievement gap and higher dropout rates (Terrell & Lindsey, 2009; West-Olatunji et al., 2006). Retention has been identified as a stronger predictor of dropping out than poor academic performance, with students who are retained being five times more likely to drop out (David, 2008; Marchbanks et al., 2014). African American students are disproportionately affected, being twice as likely to experience grade retention compared to their White peers (Davis, 2008; Marchbanks et al., 2014). The hidden costs of exclusionary discipline are also concerning, as dropping out is associated with crime-related costs of approximately \$26,000 per student nationwide (Marchbanks et al., 2014). In Texas, during the 2014-2015 school year, 2,912 of the 64,995 students in grades 7-12 assigned to Disciplinary Alternative Educational Placements (DAEPs)

dropped out, reflecting an annual dropout rate of 4.5%—three times higher than the statewide rate of 1.5% (Texas Education Agency, 2018).

Much of the research on Restorative Practices and their potential to reduce reliance on exclusionary discipline has been informed by a Eurocentric framework (Gay, 2013; Skiba, 2002). It is essential to examine disciplinary policies through the lens of theoretical frameworks that support equity on the basis of race, as zero-tolerance policies disproportionately target African American males, subjecting them to harsher penalties and increased exclusion from educational institutions. These policies often fail to differentiate between types of offenses or consider behavioral disorders (Allman & Slate, 2013; McDermott, 2016; Ryan & Goodram, 2013; Zulfa, 2015).

The overrepresentation of students of color in special education remains a persistent and unresolved equity issue in education. This overrepresentation leads to stigmatizing labels, limited access to general education settings, and a lack of evidence supporting the effectiveness of special education programs (De Valenzuela et al., 2006). For minoritized students, these circumstances significantly reduce opportunities for meaningful interactions with teachers and peers in inclusive environments.

While special education services are designed to support positive student outcomes, they often result in stigmatization, segregation from general education, and decreased learning opportunities (McKenna, 2013). African American students, in particular, are frequently overrepresented in categories such as emotional disturbances, intellectual disabilities, and learning disabilities (De Valenzuela et al., 2006). Alarming, African American students with emotional and behavioral disorders face bleak outcomes, with 50% dropping out of school and 73% being arrested within three to five years (McKenna, 2013).

Many African American students are misidentified as having emotional disturbances or intellectual disabilities due to an overreliance on IQ testing, which follows a medical model of assessment. Child advocate Evelyn Deno emphasized the need for identification procedures that account for external factors rather than internal deficits (Artiles & Trent, 1994). Without clear guidelines, personal and professional biases may lead to inaccurate classifications of African American students (McKenna, 2013). A strong correlation has been documented between ethnicity, academic failure, exclusionary discipline, and special education identification (Artiles & Trent, 1994).

A significant relationship also exists between funding for corrections and the incarceration rates of African Americans (Robbins, 2005). Increases in spending on corrections have been accompanied by higher incarceration rates for African Americans (Robbins, 2005). The use of zero-tolerance policies as a form of exclusionary discipline contributes directly to these trends, highlighting the need for educators to adopt alternative strategies (Anderson & Ritter, 2017; Crawley & Hirschfield, 2018; Robbins, 2005; Zulfa, 2015). Ultimately, society bears both the direct and indirect costs of exclusionary discipline practices, which fuel the school-to-prison pipeline (Gross, 2016).

Disciplinary practices rooted solely in punishment often create additional issues, such as higher rates of suspensions and expulsions (Thompson, 2016). The consequences of these practices disproportionately affect marginalized students, particularly those from minoritized and low-income backgrounds. While the initial punishments may be uniform, the long-term outcomes vary depending on the resources and opportunities available within students' communities. The unequal distribution of these consequences along racial and socioeconomic lines challenges the fairness and validity of zero-tolerance approaches (Robbins, 2005).

## **Purpose of the Study**

This mixed-methods, sequential explanatory case study aims to evaluate the effects of a restorative practice intervention curriculum on student behavior at a disciplinary alternative secondary campus. It will also assess how this curriculum influences teacher and administrator decisions regarding student discipline, viewed through the lenses of Social Justice Theory. Racial and ethnic disparities in exclusionary discipline practices are well-documented, with African American students being excluded at significantly higher rates than their Caucasian peers (Crawley & Hirschfield, 2018; Sullivan et al., 2014). This study will investigate how the Restorative Practice curriculum affects students who have already been excluded from their traditional school setting. Specifically, it will analyze the impact of this curriculum on student behaviors, suspensions, and expulsions at a public disciplinary alternative campus for grades 6-12 in central Texas. Additionally, the study will explore how Restorative Practices influence the decision-making of educators and administrators regarding student misbehavior at this alternative campus. Quantitative data, including student office referrals, suspensions, expulsions, and recidivism rates over the course of one school year, will be collected and analyzed. Teachers' perspectives on the impact

of Restorative Practices will be gathered through individual interviews. Administrators will also be interviewed to provide insight into the quantitative data, sharing their views on how Restorative Practices have affected student discipline, particularly in terms of office referrals, suspensions, and expulsions. Concurrently, qualitative interview data will explore educators' opinions on how the Relational Action Plan has impacted student behaviors and influenced their classroom management strategies. Administrators' views on how the Relational Action Plan has shaped their disciplinary decisions will also be examined.

The researcher hypothesizes that the Restorative Practice curriculum will have a positive impact on student behavior in the classroom. Additionally, it is expected that there will be a reduction in the staff's reliance on punitive exclusionary measures such as suspensions and expulsions, with a shift toward discipline strategies that encourage meaningful student accountability. Previous research has demonstrated that Restorative Practices are effective in traditional school settings (Armour, 2016; Lang et al., 2016; NEDRP, 2019; Reistenberg, 2012), but further investigation is needed to determine whether these practices yield similar results in alternative campuses with at-risk student populations. The findings from this study could offer valuable insights and inform both pedagogical approaches and policy decisions in both traditional and alternative school environments.

### **Significance of the Study**

The development of academic, social, and emotional skills in students remains a key focus of educational initiatives (Ryan & Goodram, 2013). This research is particularly significant for its practical applications in classroom management and student discipline, especially for students placed in disciplinary alternative secondary campuses. Restorative Practices focus on rehabilitating offenders and shift the emphasis of discipline away from simply punishing rule violations toward fostering relationships and building community within schools (Buckmaster, 2016). Existing research indicates that Restorative Practices have positively impacted student behavior in traditional schools by reducing the need for exclusionary discipline and supporting a more positive school climate (Cummings, 2018; Fisher et al., 2016; Mirsky, 2011). However, there is currently no available data on how these practices affect students who are already subjected to exclusionary discipline in U.S. schools.

This study's findings could raise awareness about the potential of Restorative Practices as an alternative to punitive discipline. Restorative

Practices may benefit students by teaching essential social and relationship-building skills. Educators could also gain from adopting proactive strategies to foster and maintain a positive classroom community, along with methods for repairing harm and rebuilding that community when necessary. By implementing these restorative practices, educators might reduce their reliance on punitive measures such as office referrals, suspensions, and expulsions, ultimately lowering recidivism rates and contributing to a reduction in the achievement and discipline gaps.

### **Definitions of Terms**

*Cultural Collision* is the clash that often occurs in urban schools between students from low socioeconomic backgrounds and educators or school officials who reside in different communities and bring a middle-class value system to the educational process (McCray et al., 2015).

*Cultural Proficiency* provides a comprehensive, systemic structure for school leaders to identify, examine, and discuss educational issues in school (Terrell & Lindsey, 2009).

*Culturally Responsive Teaching* is the practice of using cultural knowledge and performance styles of ethnically diverse students to make learning more applicable and effective for them. This practice is grounded in the beliefs that fundamentally differ from most of those that govern how educational programs and practices have, historically, been designed for underperforming students of color (Gay, 2013).

*DAEP* is an acronym used for Disciplinary Alternative Educational Placements. DAEPs serve as alternative education settings for students temporarily removed from their regular instructional settings, for discretionary or mandatory offenses, per Chapter 37 of the Texas Education Code (Texas Education Agency, 2007).

*Deficit Thinking* is operationalized within the school when educators view students of color and students from the inner city as inherently flawed, suspect, and corrupt, thus having nothing of value to offer or contribute to the learning process (McCray, 2015).

*Disciplinary Interventions* are actions taken to elicit or compel changes in the behavior of students who fail to conform to expectations (Brophy, 1999).

*Discipline Gap* is a description of the disproportionality that is evident since the implementation of the Zero Tolerance Policy (McDermott, 2017).

*Equity* in schools is where all students achieve high levels of academic success, regardless of race, ethnicity, culture, neighborhood, socioeconomic status, or primary language (Scheurich & Skrla, 2003).

*Exclusionary Discipline Practices* are disciplinary practices that remove students from the learning environment in response to unwanted student behavior. Exclusionary discipline practices, for this research study, will be confined to suspensions and expulsions to the disciplinary alternative campus or the juvenile justice alternative campus (Nese et al., 2016).

*Get to Know You Circles* are green circles of dialogue, where students feel safe and have a voice, to help build and sustain relationships in the classroom (National Educators for Restorative Practices, 2018).

*Green Circles* are proactive circles used to build and sustain relationships in the classroom (National Educators for Restorative Practices, 2018).

*JJAEP* is an acronym used for Juvenile Justice Alternative Educational Program. Students who are expelled from the DAEP must attend a JJAEP to complete their required placement (Texas Education Agency, 2007).

*Maslow's Hierarchy of Needs* is a motivational theory in psychology comprising of a five-tier model of human needs, often depicted as hierarchical levels within a pyramid (McLeod, 2020).

*Multicultural Education* is based on the principle of educational equity for all students, regardless of culture, and strives to remove barriers of educational opportunities and success (Glossary of Education Reform, 2014).

*Ninety-Second Positive Spark Plan* is a daily plan for teachers to interact with students and for students to interact with other students in a positive way (National Educators for Restorative Practices, 2018).

*Racial Threat Hypothesis* is rooted in conflict theory and suggests that various forms of social control will expand as the proportion of African Americans increase in relation to Whites (Payne & Welch, 2010).

*Red Circles* are reactive circles of dialogue used for repairing harm and responding, differentially, to the need for consequences (National Educators for Restorative Practices, 2018).

*Relational Action Plan* is a combination of six proactive tools including 60-second relate breaks, 90-second sparks, treatment agreements, get to know you circles, pulse meters, and two-minute connections, to help teachers build and sustain relationships in the classroom (National Educators for Restorative Practices, 2018).

*Restorative Discipline* is a conflict-resolution process offering students opportunities to develop peer mediation techniques and provide empathy training; the goal is to replace the fear of retribution by having students develop strong interpersonal relationships and build a sense of community (Koppelman, 2017).

*Restorative Justice* is a set of principles and practices used in the criminal justice system that sees crime and harm as violations of people and relationships (Riestenberg, 2012).

*Restorative Practice* is an emerging social science that studies how to strengthen relationships between individuals as well as social connections within communities (International Institute for Restorative Practices, 2015). In education, Restorative Practices are effective at building student-teacher-administrator relationships, fostering conflict-resolution, and promoting equitable disciplinary practices (Gregory et al., 2016).

*Retention* is an intervention for students who have not met grade-level criteria and would be better served by repeating the grade as opposed to being promoted with their same-age peers (David, 2008).

*School-to-Prison Pipeline* is a phenomenon that refers to the policies and practices that push schoolchildren, especially those at-risk, out of the classroom and into the juvenile and criminal justice system (Grice, 2016).

*Self-Fulfilling Prophecy* is a phenomenon that reinforces prevailing perceptions of young Black males as delinquents and criminals and further validates the ensuing racial disparities at all levels of *criminal* justice (Payne & Welch, 2010).

*Sixty Second Relate Break* is a proactive tool for building relationships in micro frequencies (National Educators for Restorative Practices, 2018).

*Social Justice Theory* focuses on addressing the persistent and deeply entrenched inequities in U.S. public schools (DeMatthews, 2016).

*Treatment Agreements* are living documents containing agreed-upon norms and expectations on how the teacher and the students in the classroom should treat each other (National Educators for Restorative Practices, 2018).

*Two Minute Connection* is a fun and easy way to build and sustain relationships in the classroom by asking a question and letting everybody answer one at a time (National Educators for Restorative Practices, 2018).

*Zero-Tolerance Policy* defines and polices the parameters of ‘permissible’ behaviors; it answers questions of who belongs where, what categories mean, and what effect they have on people’s life chances and opportunities (Robbins, 2005).

## **Research Questions**

### **Primary**

In what ways does the existing Restorative Practice curriculum at a Disciplinary Alternative School affect the behavior of students of grades 6-12 in a central Texas, urban school district?

### **Secondary**

1. Do Restorative Practices and the Relational Action Plan influence students’ behavior in the classroom as observed by school staff?
2. Do Restorative Practices and the Relational Action Plan influence teachers’ classroom management decisions?
3. Do Restorative Practices and the Relational Action Plan influence administrative disciplinary decisions?

# CHAPTER 2

## CONTEXTUAL FRAMEWORK

### **Introduction**

This chapter aims to review the literature relevant to implementing a Restorative Practices curriculum in a Disciplinary Alternative Education Placement (DAEP) setting, its impact on student behavior, and its influence on staff responses to student discipline. Unlike other alternative schools that prioritize academics or therapy, DAEPs specifically address the needs of highly disruptive students (Avery, 2016). The chapter begins with a historical overview of student discipline from the 1950s to the present, exploring factors contributing to disparities and inequities in disciplinary practices. It examines exclusionary discipline policies that led to the rise of alternative placements, particularly following the enactment of the Gun-Free Schools Act (1994), No Child Left Behind (2002), and the widespread use of "Zero-Tolerance" policies. Next, the chapter reviews research on the consequences of exclusionary discipline, including the overrepresentation of students of color in suspensions and expulsions and the development of the "School-to-Prison Pipeline." It also explores how schools address these issues through multicultural education, cultural proficiency, and, most significantly, restorative approaches.

Restorative Practices, an extension of Restorative Discipline, operate on the belief that students should be taught conflict resolution and communication skills (Boucaud, 2017). Boucaud (2017) found a strong correlation between structured discussion and effective conflict resolution. Restorative Practice curricula equip educators with strategies to repair harm to relationships and school culture. Advocates argue that these approaches are more effective than punitive measures, as they hold students accountable by requiring them to actively make amends (Brown-Kersey, 2011). Schools have also implemented conflict-resolution programs to address racial biases in discipline and reduce contributions to the school-to-prison pipeline (Vah Seliskar, 2018; Zulfa, 2015). Other initiatives, such as mental health care, trauma-informed practices, and emotional coping strategies, support conflict resolution efforts (Crawley & Hirschfield, 2018). These programs

create safe spaces for students to process emotions while receiving guidance and positive reinforcement (Golson, 2018).

Positive interventions are necessary not only to address misconduct but also to shift the punitive mindset embedded in educational institutions (Armour, 2016). Traditional disciplinary approaches remove students from learning environments and emphasize punishment rather than development. In contrast, restorative responses engage students by encouraging reflection, accountability, and amends. Punitive measures are largely ineffective—they fail to correct behavior, neglect victims’ needs, and overlook systemic issues contributing to misconduct (Robbins, 2005; Zulfa, 2015). In fact, harsh disciplinary actions often escalate student misbehavior (Armour, 2016; Sullivan, et al. 2014).

Both victims and offenders benefit from the opportunity to express their experiences and needs (Reistenberg, 2012). Victims may feel isolated or disempowered, but Restorative Practices reintegrate them into the school community (Reistenberg, 2012). Allowing victims to voice their concerns can restore their sense of safety and empowerment. Additionally, students who learn restorative strategies develop stronger communication and conflict-resolution skills (High, 2017).

## **Social Justice Leadership in Education**

The Social Justice Educational Leadership Theory (SJLT) is vital in promoting equitable and ethical practices, especially in areas like student discipline. This framework reimagines the role of school leaders as active agents of change, committed to dismantling systemic inequities and fostering inclusive, high-performing learning environments for all students, particularly those from historically marginalized communities (Theoharis & O’Toole, 2011). According to Theoharis (2007), conventional leadership often overlooks or sustains systemic barriers, while social justice leaders place equity at the forefront and challenge the status quo.

Core Elements of the Social Justice Theory:

- *Equity-Driven Vision*: Social justice leaders are guided by a strong commitment to equity, setting goals that prioritize the inclusion and success of students marginalized by race, class, language, gender, or ability. Their mission transcends academic performance, focusing instead on cultivating affirming and inclusive school climates.

- *Addressing Marginalization*: These leaders identify and disrupt discriminatory practices across curriculum, discipline, staffing, and school culture, taking active steps to combat racism, ableism, linguistic bias, and other systemic forms of exclusion.
- *Structural Transformation*: Embracing transformational change, social justice leaders challenge traditional educational norms by reallocating resources, revising unjust policies, and engaging stakeholders in critical conversations aimed at shifting power dynamics.
- *Community Collaboration and Advocacy*: The theory encourages meaningful partnerships with families and communities that have been historically excluded from educational decisions. Leaders advocate for these groups, ensuring their perspectives shape school policies and outcomes.
- *Sustaining Change Amid Resistance*: Recognizing that resistance is inevitable, Theoharis emphasizes the need for strategic leadership—leveraging transparent communication and coalition-building to maintain long-term, equity-focused reforms despite challenges.

Additional to Theoharis's foundational work, other scholars have contributed significantly to the discourse on social justice leadership in education. For instance, Furman and Gruenewald (2004) propose a critical ecological framework that emphasizes the interconnectedness of social, ecological, and economic justice, urging leaders to consider broader societal contexts in their pursuit of equity. Similarly, Shields (2004) introduces the concept of "dialogic leadership," advocating for open, inclusive dialogues that challenge existing power dynamics and promote transformative practices within educational settings. These perspectives collectively enrich the understanding of social justice leadership, highlighting the multifaceted approaches leaders can employ to foster equitable and inclusive educational environments.

Social justice leadership, as described by Rawls (1971), is grounded in the principles of fairness, equality, and equitable distribution of resources. Rawls argues that justice should prioritize basic liberties for all individuals, such as political rights, freedom of speech, and personal autonomy, before addressing socio-economic inequalities. His theory emphasizes that social and economic inequalities should only exist if they benefit the least advantaged members of society, advocating for a distributive justice approach. According to Rawls, society does not naturally ensure an equitable redistribution of resources, so leadership in social justice requires

active efforts to correct these imbalances and promote fairness for all (Rawls, 1971).

Rawls (1971) highlighted the importance of understanding the interconnected nature of a person's social position and the societal system when striving for social justice. He argued that distributive justice involves both recognizing the inequitable distribution of rights and goods due to social positioning and taking action to correct these disparities by ensuring an equitable distribution across all groups. Ultimately, **social justice educational leadership** is about more than just good intentions—it's about bold, sustained action aimed at transforming schools into places where every student has the opportunity to thrive.

SJT emphasizes addressing the inequities in educational institutions and providing an ethical foundation for discussion of current educational issues (DeMatthews, 2016; St. John, 2007). SJT is built on a foundation of equity. It asks that society enlarge their perception of the educational institution to decide if its configuration aligns with our shared beliefs about how schools should contribute to the development of children (Bull, 2009). It views the issue of school funding as one of equity among all schools and not merely an issue of meeting the costs of education in a select community (Bull, 2009).

A general consciousness of social injustice is insufficient, and it is challenging to find social justice in educational policy (St. John, 2007). Essential to social justice in education is an understanding that the background of the student will play a significant role in their academic success (Vah Seliskar, 2018). School reform is “moving rapidly towards test-driven policies that have detrimental effects on equal opportunity” (St. John, 2007, p. 77). School leaders must take care to be knowledgeable about the intersecting roles of marginalization in their schools and communities, acknowledge racism as a central cause of educational inequity, and be prepared to act in the presence of that inequity (DeMatthews, 2016, Terrell & Lindsay, 2009).

John Rawls's *Theory of Justice*, the predecessor of Social Justice Theory, identified three guiding principles: all individuals have fundamental rights, all individuals have equal opportunity, and all individuals have cross-generation equity (St. John, 2007). Social Justice Theory builds upon these principles by defining four values that Americans believe the educational institution represents: Personal Liberty, where schools develop students as responsible individuals and members of society; Democracy, where schools

promote students' ability to contribute to the public decision-making process; Equality of Opportunity, giving students equal opportunities for success; and Economic Growth, teaching children the value of economic capabilities (Bull, 2009).

## **History of Student Discipline**

### ***1950s***

During the 1950s, state involvement in education began to increase, focusing on aspects such as school funding, minimum standards, teacher training, and certification requirements (Texas Appleseed, 2007). At the time, student discipline primarily relied on corporal punishment, public humiliation, and teacher-administered consequences (Hanson, 2005). The goal of discipline was to enforce strict obedience, with punishment serving as the primary tool for maintaining control (Kennedy et al., 2017). Teachers had the legal right to administer reasonable corporal punishment without fear of criminal liability, as long as it was used to maintain discipline and support the child's education (Hanson, 2005).

A significant shift occurred in 1954 with the landmark Supreme Court case *Brown v. Board of Education*, which overturned the *Plessy v. Ferguson* (1896) ruling that upheld "separate but equal" segregation. This decision granted African American students the opportunity to attend integrated schools and receive a better education (Hanson, 2005).

### ***1960s***

The 1960s, shaped by the Civil Rights Movement, brought significant changes to schools. Corporal punishment began to lose public support and became less effective as a disciplinary measure (Hanson, 2005). The widespread protests and riots of the era necessitated changes in how schools managed student violence (Vah Seliskar, 2018).

In 1964, President Lyndon B. Johnson launched the War on Poverty, which included two key provisions related to education: increased federal funding to improve public schools and the use of appellate case law to advance liberal educational reforms (Arum, 2005).

### ***1970s***

By the 1970s, the focus of school discipline had shifted towards controlling students rather than fostering their moral and ethical development (Vah Seliskar, 2018). Although corporal punishment remained legal in some states, the primary method of discipline became student exclusion, with schools increasingly relying on suspensions and expulsions to remove disruptive students (Hanson, 2005). At this time, students' educational rights were not yet fully protected under the law.

This changed in 1975 when the Supreme Court ruled in *Goss v. Lopez* that students had a property right to their education. The ruling established that schools could not suspend students for more than ten days, transfer them to an alternative school, or expel them without providing a hearing (Duke Law, 2019; Hanson, 2005). This decision ensured that students were granted due process protections before being removed from their educational environment.

### ***1980s***

In 1980, Texas Attorney General Mike White introduced a standardized student code of conduct for public schools (Texas Appleseed, 2007) in response to growing media concerns about youth violence, gang activity, and the crack-cocaine crisis (Heitzeg, 2009).

By 1981, alternative school pilot programs were introduced to separate serious offenders from the general student population (Reyes, 2001). These programs focused on educating disruptive students, though they did not become mandatory at the federal level until 1995 (Texas Appleseed, 2007; Texas Education Code, 2019).

In 1983, the Select Committee on Public Education, led by H. Ross Perot, recommended state-funded alternative schools. The Texas Legislature amended the Texas Education Code in 1984 to require every district to establish a Disciplinary Alternative Education Program (DAEP) for students guilty of serious offenses or persistent misbehavior (Reyes, 2001). By 1985, alternative school placements were preferred over suspensions or expulsions (Texas Appleseed, 2007). In 1986, the Education Code was further revised to allow schools to suspend students for up to six days without mandatory placement in an alternative school, leaving the decision up to individual school districts (Texas Appleseed, 2007).

### ***1990s***

The increasing concern over school violence led to the passage of the 1990 Crime Control Act, which included the Gun-Free Schools Act (GFSA). President George H.W. Bush's *America 2000* initiative called for eliminating violence and drugs from schools by the year 2000. In response, Congress passed the Safe and Drug-Free Schools and Communities Act in 1994.

This legislation had two main components: the Safe Schools Act, which focused on training and prevention strategies, and the Gun-Free Schools Act, which mandated the removal of firearms, drugs, drug paraphernalia, and other weapons from schools. The GFSA required that students bringing a firearm to school be expelled for one year (Thompson, 2016). Schools became increasingly reliant on law enforcement for student discipline, leading to an expansion of School Resource Officer programs and standardized data collection on school crime (Crawley & Hirschfield, 2018). Compliance with the GFSA became tied to federal funding, incentivizing schools to adopt stricter disciplinary policies (Simson, 2014).

The GFSA laid the foundation for the expansion of zero-tolerance policies, which sought to enforce strict, one-size-fits-all discipline measures. Critics argue that these policies disproportionately marginalized students of color, reinforcing racial and class-based disparities (Robbins, 2005). Zero-tolerance policies were found to be overly rigid, failing to distinguish between minor and serious offenses or consider students' behavioral conditions (Ryan & Goodram, 2013). Research indicates that these policies contributed to institutionalized racism and the disproportionate punishment of African American students, particularly males (Grice, 2016; Lindsay & Hart, 2017; McDermott, 2017; Rector-Aranda, 2016).

The American Psychological Association's Zero Tolerance Task Force found that while zero-tolerance policies could theoretically be effective if implemented with flexibility, in practice, they focused solely on punishment rather than fostering positive behavior (Ryan & Goodram, 2013). The punitive approach often led to unintended consequences, increasing student misbehavior rather than preventing it (McDermott, 2016; Ryan & Goodram, 2013; Zulfa, 2015).

In 1995, Texas lawmakers revised the Education Code to include Chapter 37, which established DAEPs and juvenile justice programs to remove dangerous students without entirely disrupting their education (Reyes,

2001). The law outlined mandatory offenses requiring DAEP placement, such as felonies, assaults, drug-related offenses, and indecent exposure (Reyes, 2001). Discretionary offenses were determined at the district level (Texas Applesseed, 2007). Between 1996 and 2007, Texas legislators amended Chapter 37 almost every year (Texas Applesseed, 2007). The law also mandated that each school district create a student code of conduct specifying mandatory and discretionary disciplinary offenses (Texas Applesseed, 2007).

### ***2000s***

The *No Child Left Behind Act* (NCLB) of 2002 introduced strict safety policies and tied federal funding to standardized testing. Schools were held accountable for both academic performance and school safety, which encouraged the classification of various student infractions as criminal offenses (Crawley & Hirschfield, 2018).

By linking funding to test scores and safety measures, NCLB incentivized schools to remove low-performing students who could negatively impact school rankings. This practice disproportionately affected minoritized students (Crawley & Hirschfield, 2018) and contributed to the "push-out phenomenon," where schools excluded students unlikely to perform well on standardized tests (Simson, 2014).

Students pushed out of school due to these policies often faced obstacles to re-enrollment, such as gaps in curriculum, administrative delays, and mandatory alternative placements (Crawley & Hirschfield, 2018). Many of these students ultimately dropped out, increasing their likelihood of entering the criminal justice system (Crawley & Hirschfield, 2018).

## **Effects of Exclusionary Discipline**

### ***School-to-Prison Pipeline***

Inequality and inequity in education are exacerbated by inadequate funding, resources, and staff in underprivileged communities (Grice, 2016). School disciplinary practices have increasingly come under scrutiny for their role in perpetuating inequities, particularly in how exclusionary discipline affects minoritized students, both with and without disabilities (Allman & Slate, 2013; Townsend, 2000). Racial minorities are disproportionately represented in the criminal justice system, a trend reflected in school disciplinary measures. This phenomenon is known as the "school-to-prison

pipeline," which refers to policies and practices that funnel students out of schools and into the criminal justice system (Grice, 2016). Suspensions play a significant role in reinforcing this pipeline (Riestedberg, 2012), leading to stigmatization, academic setbacks, and potential incarceration.

The U.S. public education system exhibits deep-rooted inequalities regarding exclusionary discipline and its impact on minoritized students. Across nearly all academic performance metrics, students from underrepresented and low-income backgrounds consistently lag behind their White peers (Koppelman, 2017). These disparities contribute to the school-to-prison pipeline, where detentions, suspensions, and expulsions disproportionately lead to the incarceration of students of color (Grice, 2016; Lindsay & Hart, 2017).

In many cases, the link between student behavior and involvement in the criminal justice system is shaped by school or district policies (Zulfa, 2015). African American and Latino students account for more than half of all reported suspensions and expulsions (Grice, 2016; Lindsay & Hart, 2017; Thompson, 2016) and make up 70% of police referrals (Golson, 2018), increasing their likelihood of criminal justice involvement. While exclusionary discipline practices are used across ethnic groups, African American students experience disproportionately high rates of corporal punishment, suspensions, and expulsions due to factors such as ethnicity, urban residency, academic achievement, and low family income (Townsend, 2000). These practices contribute to widening achievement gaps, limiting exposure to prosocial behaviors, and reinforcing the school-to-prison pipeline (McDermott, 2017; Thompson, 2016; Townsend, 2000).

Exclusionary discipline measures also intensify educational disparities. Students subjected to suspensions miss valuable learning opportunities, falling behind their peers both academically and socially (Rector-Aranda, 2016; Thompson, 2016; Townsend, 2000). Additionally, students frequently suspended may be relegated to lower-ability groups, reinforcing academic tracking (Rector-Aranda, 2016). Time away from school leaves students unsupervised and vulnerable to engaging in delinquent behaviors, further increasing their risk of encounters with the legal system (Townsend, 2000; Crawley & Hirschfield, 2018). In essence, exclusionary discipline exacerbates the likelihood of students entering the criminal justice system.

Suspensions are often issued for minor infractions against school conduct codes (Simson, 2014). This disciplinary approach contributes to achievement gaps by reducing instructional time and increasing the likelihood of poor